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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,757	07/21/2003	Jean-Paul Mardon	12928/100161	6506
23280	7590	11/18/2008		
Davidson, Davidson & Kappel, LLC			EXAMINER	
485 7th Avenue			PALABRICA, RICARDO J	
14th Floor				
New York, NY 10018			ART UNIT	PAPER NUMBER
			3663	
			MAIL DATE	DELIVERY MODE
			11/18/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10624757	7/21/03	MARDON ET AL.	12928/100161

Davidson, Davidson & Kappel, LLC  
485 7th Avenue  
14th Floor  
New York, NY 10018

## EXAMINER

Rick Palabrica

ART UNIT	PAPER
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3663 20081117

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

## Commissioner for Patents

Applicant seeks a reissue of U.S. Patent 5,940,464 by way of narrowing claim 1. The same patent was subject to reexamination under 90/005,589 that has been examined recently and for which a NIRC was issued on 10/02/08. The NIRC cancels claim 1, and therefore the reissue being currently requested is now moot.

If applicant would like to pursue the reissue, it has to be based on the claims in the application after said reexamination. In this regard, applicant must file an amendment to the previously-filed reissue to cause the claims to be identical to those after reexamination, i.e., as they appear on the reexamination certificate.

Most importantly, applicant must still have an error on which reissue can be based, i.e., there must still be an error, even after the reexamination, on which the applicant can base the reissue. If the reexamination "corrected" the original error, applicant needs to identify another error as basis for the requested reissue.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rick Palabrica whose telephone number is 571-272-6880. The examiner can normally be reached on 6:00-4:30, Mon-Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system.

Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

November 17, 2008

/Rick Palabrica/  
Primary Examiner, Art Unit 3663